THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.9955 of 2001

Dated:08.06.2007

Between:

Smt.K.Syamala Devi, W/o.Dr.Subrahmanyam K.Naidu.

…Petitioner

and

The State of A.P., Rep.By its Prl.Secretary to Revenue, Secretariat, and others.

…Respondents

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AND
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ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

The petitioner assails the order of the third respondent passed under Section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), as well as the consequential notices/notifications under Sections 10(1), 10(3) and 10(5) of the Act. The petitioner is the owner of urban vacant land admeasuring 4990 square metres in Survey No.129 (T.S.No.1/1 (part), Ward No.7, Block No.A), Yousufguda, Khairatabad Mandal in Hyderabad District. She filed a declaration under Section 6(1) of the Act through one Rama Chandra Rao. After verifying the said declaration, dated 16.09.1976, and conducting enquiry, the second respondent issued a draft statement under Section 8(1) of the Act followed by final statement under Section 9 of the Act. The petitioner did not file any appeal, and therefore, necessary follow up action was taken under the Act. The petitioner contends that Rama Chandra Rao was not aware of the provisions of the Act or other important relevant factors in relation to the land owned by the petitioner. Be that as it is, after coming to know about the final orders, and when the action was initiated under Section

10(6) of the Act for taking possession of surplus vacant land, the petitioner filed an application before the Government under G.O.Ms.No.456, dated 29.07.2002, seeking regularization of surplus vacant land. But, still the petitioner filed the instant Writ Petition assailing the proceedings of the second respondent.

When the matter is pending, the petitioner also filed miscellaneous application, being W.P.M.P.No.14577 of 2007, stating that the Government passed orders exempting the excess land in favour of the petitioner in G.O.Ms.No.1983, Revenue (U.C-II) Department, dated 19.11.2005. In view of this, the petitioner, in the miscellaneous application, prayed for a declaration that she does not hold excess vacant land. A copy of G.O.Ms.No.1983, dated 19.11.2005, is placed before this Court and the same is made part of the record.

As rightly pointed out by the learned Special Government Pleader for Urban Land Ceiling, the question of allotting/exempting excess vacant land under G.O.Ms.No.456, dated 29.07.2002, would arise only when the land absolutely vests in the State under Section 10(3) of the Act. If the petitioner is declared a non-surplus holder, such eventuality would not arise, and she would not be entitled for exemption. It would be rather misconceived for any person to seek exemption/allotment under G.O.Ms.No.456, dated 29.07.2002, and also seek a declaration that he/she is not surplus landholder. Apart from this, now that the Government passed orders in G.O.Ms.No.1983, dated 19.11.2005, exempting the excess vacant land under Section 20(1)(a) of the Act, no further orders are necessary in this Writ Petition.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

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(G.V.SEETHAPATHY, J)

08.06.2007
vs